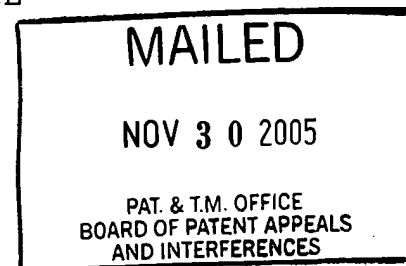


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_



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Ex parte ALAIN BETHUNE and SOPHIE H. VAYRETTE  
\_\_\_\_\_

\_\_\_\_\_  
Application No. 09/506,795  
\_\_\_\_\_

\_\_\_\_\_  
ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was electronically received at the Board of Patent Appeals and Interferences on October 13, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On May 17, 2005, the examiner has mailed an examiner's answer. In the Evidence Relied Upon section, paragraph (8), the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that various references were applied to the statement of rejections in the Grounds of Rejection section, paragraph (9), on pages 3-9 of the examiner's answer. Before

Application No. 09/506,795

further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. Appropriate correction is required.

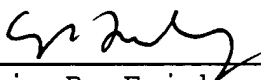
Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) the issuance of a revised Examiner's Answer, having the missing references listed under the Evidence Relied Upon section, paragraph (8); and 2) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: \_\_\_\_\_

  
Craig R. Feinberg  
Program and Resource Administrator  
(571)272-9797

Application No. 09/506,795

cc: Finnegan, Henderson, Farabow,  
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CRF/tdl